



Reprinted
March 1, 2005

HOUSE BILL No. 1741

DIGEST OF HB 1741 (Updated March 1, 2005 12:07 am - DI 96)

Citations Affected: IC 22-11; IC 22-14; IC 35-47.

Synopsis: Fireworks. Defines consumer fireworks, display fireworks, fireworks, and novelties. Repeals the requirement for certain retailers to obtain a fireworks stand retail sales permit from the state fire marshal. Repeals certain requirements related to interstate wholesaler sales of fireworks not approved for sale in Indiana. Requires that the registration fee for certain fireworks businesses be deposited in the firefighting and emergency equipment revolving loan fund. Makes it a Class A misdemeanor for: (1) a person less than 18 years of age to knowingly or intentionally purchase consumer fireworks; (2) a seller of consumer fireworks to knowingly or intentionally fail to request photographic identification of a purchaser who appears less than 25 years of age; (3) a person to use consumer fireworks other than at specified dates during the year; and (4) to sell fireworks at retail from certain vehicles. Requires the initial health care practitioner or hospital administrator who treats an individual for an injury that the practitioner or administrator identifies as resulting from fireworks or pyrotechnics to report the injury to the state department of health. Provides that the reports are confidential. Makes conforming amendments.

Effective: Upon passage.

Frizzell, Mahern

January 19, 2005, read first time and referred to Committee on Public Policy and Veterans Affairs.
February 14, 2005, amended, reported — Do Pass.
February 28, 2005, read second time, amended, ordered engrossed.

HB 1741—LS 7475/DI 96+



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Reprinted
March 1, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

HOUSE BILL No. 1741

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-11-14-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this
3 chapter and IC 22-11-14.5:

4 "Auto burglar alarm" means a tube that contains pyrotechnic
5 composition that produces a loud whistle or smoke when ignited. A
6 small quantity of explosive, not exceeding fifty (50) milligrams, may
7 also be used to produce a small report. A squib is used to ignite the
8 device.

9 "Booby trap" means a small tube with string protruding from both
10 ends, similar to a party popper in design. The ends of the string are
11 pulled to ignite the friction sensitive composition, producing a small
12 report.

13 "Chaser" means a device, containing fifty (50) milligrams or less of
14 explosive composition, that consists of a small paper or cardboard tube
15 that travels along the ground upon ignition. A whistling effect is often
16 produced, and a small noise may be produced.

17 "Cigarette load" means a small wooden peg that has been coated



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with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

"Common "Consumer firework" means a small firework that is fireworks" means consumer fireworks as defined in APA 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, and included under NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2003 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, Massachusetts 02269.

"Display fireworks" means display fireworks as defined in APA 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, and included under NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2003 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, Massachusetts 02269. designed primarily to produce visible effects by combustion; and that is required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR 1507. The term also includes some small devices designed to produce an audible effect, such as whistling devices; ground devices containing fifty (50) milligrams or less of explosive composition; and aerial devices containing one hundred thirty (130) milligrams or less of explosive composition. Propelling or expelling charges consisting of a mixture of charcoal, sulfur, and potassium nitrate are not considered as designed to produce an audible effect. Common fireworks:

(1) include:

(A) ground and hand held sparkling devices; which include dipped stick; certain wire sparklers; cylindrical fountains; cone fountains; illuminating torches; wheels; ground spinners; and flitter sparklers;

(B) aerial devices; which include sky rockets; missile type rockets; helicopter or aerial spinners; roman candles; mines; and shells;

(C) ground audible devices; which include firecrackers; salutes; and chasers; and

(D) firework devices containing combinations of two (2) or more of the effects described in the preceding three (3) clauses; and

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(2) do not include the following novelties and trick noisemakers:

(A) Snakes or glow worms;

(B) Smoke devices;

(C) Wire sparklers which contain no magnesium and which contain less than one hundred (100) grams of composition per item;

(D) Trick noisemakers, which include party poppers, booby traps, snappers, trick matches, cigarette loads, and auto burglar alarms.

"Cone fountain" means a cardboard or heavy paper cone which contains up to fifty (50) grams of pyrotechnic composition, and which produces the same effect as a cylindrical fountain.

"Cylindrical fountain" means a cylindrical tube not exceeding three-quarters ($3/4$) inch in inside diameter and containing up to seventy-five (75) grams of pyrotechnic composition. Fountains produce a shower of color and sparks upon ignition, and sometimes a whistling effect. Cylindrical fountains may contain a spike to be inserted in the ground (spike fountain), a wooden or plastic base to be placed on the ground (base fountain), or a wooden handle or cardboard handle for items designed to be hand held (handle fountain).

"Dipped stick" or "wire sparkler" means a common firework that consists of a stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition does not exceed one hundred (100) grams per item. Those Devices containing chlorate or perchlorate salts do not exceed five (5) grams in total composition per item. Wire sparklers that contain no magnesium and that contain less than one hundred (100) grams of composition per item are not included in the category of common fireworks.

"Distributor" means a person who sells fireworks to wholesalers and retailers for resale.

"Explosive composition" means a chemical or mixture of chemicals that produces an audible effect by deflagration or detonation when ignited.

"Firecracker" or "salute" is a device that consists of a small paper wrapped or cardboard tube containing not more than fifty (50) milligrams of pyrotechnic composition and that produces, upon ignition, noise, accompanied by a flash of light.

"Firework" means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of common fireworks and special fireworks. The following items are excluded from the definition

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of fireworks:

- (1) Model rockets;
- (2) Toy pistol caps;
- (3) Emergency signal flares;
- (4) Matches;
- (5) Fixed ammunition for firearms;
- (6) Ammunition components intended for use in firearms, muzzle loading cannons, or small arms;
- (7) Shells, cartridges, and primers for use in firearms, muzzle loading cannons, or small arms;
- (8) Indoor pyrotechnics special effects material;

"Fireworks" means consumer and display fireworks as defined in APA 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, and included under NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2003 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, Massachusetts 02269.

"Flitter sparkler" means a narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. These devices do not use a fuse for ignition, but rather are ignited by igniting the paper at one (1) end of the tube.

"Ground spinner" means a small spinning device that is similar to wheels in design and effect when placed on the ground and ignited; and that produces a shower of sparks and color when spinning.

"Helicopter" or "aerial spinner" is a spinning device:

- (1) that consists of a tube up to one-half (1/2) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition;
- (2) to which some type of propeller or blade device is attached; and
- (3) that lifts into the air upon ignition, producing a visible or audible effect at the height of flight.

"Illuminating torch" means a cylindrical tube that:

- (1) contains up to one hundred (100) grams of pyrotechnic composition;
- (2) produces, upon ignition, a colored fire; and
- (3) is either a spike, base, or handle type device.

"Importer" means:

- (1) a person who imports fireworks from a foreign country; or
- (2) a person who brings or causes fireworks to be brought within

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1 this state for subsequent sale.

2 "Indoor pyrotechnics special effects material" means a chemical
3 material that is clearly labeled by the manufacturer as suitable for
4 indoor use (as provided in National Fire Protection Association
5 Standard 1126 (2001 edition)).

6 "Interstate wholesaler" means a person who is engaged in interstate
7 commerce selling fireworks not approved for sale in Indiana.

8 "Manufacturer" means a person engaged in the manufacture of
9 fireworks.

10 **"Novelties" means novelties as defined in APA 87-1, Standard**
11 **for Construction and Approval for Transportation of Fireworks,**
12 **Novelties, and Theatrical Pyrotechnics, and included under NFPA**
13 **1124, Code for the Manufacture, Transportation, Storage, and**
14 **Retail Sales of Fireworks and Pyrotechnic Articles, 2003 Edition,**
15 **published by the National Fire Protection Association, 1**
16 **Batterymarch Park, PO Box 9101, Quincy, Massachusetts 02269.**

17 "Mine" or "shell" means a device that:

18 (1) consists of a heavy cardboard or paper tube up to two and
19 one-half (2 1/2) inches in inside diameter, to which a wooden or
20 plastic base is attached;

21 (2) contains up to forty (40) grams of pyrotechnic composition;
22 and

23 (3) propels, upon ignition, stars (pellets of pressed pyrotechnic
24 composition that burn with bright color), whistles, parachutes, or
25 combinations thereof, with the tube remaining on the ground.

26 "Missile-type rocket" means a device that is similar to a sky rocket
27 in size, composition, and effect, and that uses fins rather than a stick for
28 guidance and stability.

29 "Party popper" means a small plastic or paper item containing not
30 more than sixteen (16) milligrams of explosive composition that is
31 friction sensitive. A string protruding from the device is pulled to ignite
32 it, expelling paper streamers and producing a small report.

33 "Person" means an individual, an association, an organization, a
34 limited liability company, or a corporation.

35 "Pyrotechnic composition" means a mixture of chemicals that
36 produces a visible or audible effect by combustion rather than
37 deflagration or detonation. Pyrotechnic compositions will not explode
38 upon ignition unless severely confined.

39 "Retail sales stand" means a temporary business site or location
40 where goods are to be sold.

41 "Retailer" means a person who purchases fireworks for resale to
42 consumers.

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"Roman candle" means a device that consists of a heavy paper or cardboard tube not exceeding three-eighths (3/8) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition. Upon ignition, up to ten (10) stars (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

"Sky rocket" means a device that:

- (1) consists of a tube that does not exceed one-half (1/2) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition;
- (2) contains a wooden stick for guidance and stability; and
- (3) rises into the air upon ignition, producing a burst of color or noise at the height of flight.

"Smoke device" means a tube or sphere containing pyrotechnic composition that produces white or colored smoke upon ignition as the primary effect.

"Snake" or "glow worm" means a pressed pellet of pyrotechnic composition that produces a large, snake like ash upon burning. The ash expands in length as the pellet burns. These devices do not contain mercuric thiocyanate.

"Snapper" means a small, paper wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

"Special fireworks" means fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation; including firecrackers containing more than one hundred thirty (130) milligrams of explosive composition; aerial shells containing more than forty (40) grams of pyrotechnic composition; and other exhibition display items that exceed the limits for classification as common fireworks.

"Trick match" means a kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

"Trick noisemaker" means an item that produces a small report intended to surprise the user.

"Wheel" means a pyrotechnic device that:

- (1) is attached to a post or tree by means of a nail or string;
- (2) contains up to six (6) driver units (tubes not exceeding one-half (1/2) inch in inside diameter) containing up to sixty (60) grams of composition per driver unit; and
- (3) revolves, upon ignition, producing a shower of color and sparks and sometimes a whistling effect.

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"Wholesaler" means a person who purchases fireworks for resale to retailers.

SECTION 4. IC 22-11-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Nothing in this chapter shall be construed to prohibit:

(1) any ~~resident~~ wholesaler, manufacturer, importer, or distributor from selling

(A) at wholesale fireworks not prohibited by this chapter; or

(B) fireworks not approved for sale in Indiana if they are to be shipped directly out of state within five (5) days of the date of sale;

(2) the use of fireworks by railroads or other transportation agencies for signal purposes or illumination;

(3) the sale or use of blank cartridges for:

(A) a show or theater;

(B) signal or ceremonial purposes in athletics or sports; or

(C) use by military organizations;

(4) the intrastate sale of fireworks not approved for sale in Indiana between interstate wholesalers;

(5) (4) the possession, sale, or disposal of fireworks, incidental to the public display of ~~Class B~~ fireworks, by wholesalers or other persons who possess a permit to possess, store, and sell ~~Class B~~ explosives from the Bureau of Alcohol, Tobacco, and Firearms, and Explosives United States Department of the Treasury; Justice; or

(6) (5) the use of indoor pyrotechnics special effects material before an indoor or outdoor proximate audience.

(b) For the purposes of this section, a resident wholesaler, importer, or distributor, is a person who:

(1) is a resident of Indiana;

(2) possesses for resale common fireworks; approved or not approved for sale in Indiana;

(3) is engaged in the interstate sale of common fireworks described in subdivision (2) as an essential part of a business that is located in a permanent structure and is open at least six (6) months each year;

(4) sells common fireworks described in subdivision (2) only to purchasers who provide a written and signed assurance that the fireworks are to be shipped out of Indiana within five (5) days of the date of sale; and

(5) has possession of a certificate of compliance issued by the state fire marshal under section 5 of this chapter.

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(c) ~~A purchaser may not provide a written and signed assurance that the fireworks purchased are to be shipped out of Indiana and then sell or use them in Indiana.~~

SECTION 5. IC 22-11-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The state fire marshal shall remove at the expense of the owner, ~~all~~ stocks of fireworks or combustibles possessed, transported, or delivered in violation of this chapter.

(b) The state fire marshal shall stop the shipments and sale of ~~fireworks, novelties, and trick noisemakers~~ **fireworks and novelties** unless, prior to shipment into this state for sale, the manufacturer, wholesaler, importer, or distributor of the ~~fireworks, novelties, and trick noisemakers~~ **fireworks and novelties** submits to the state fire marshal:

(1) a complete description of each item proposed to be shipped into Indiana;

(2) a written certification that the items are manufactured in accordance with section 1 of this chapter; and

(3) an annual registration fee of ~~one~~ **five** thousand dollars ~~(\$1,000)~~ **(\$5,000)**.

If upon inspection the state fire marshal finds that this chapter has been complied with, an annual certificate of compliance shall be issued to the manufacturer, wholesaler, importer, or distributor. An annual certificate of compliance **may not be applied for after June 15 of a year, and** expires December 31 of the year ~~during in~~ which the certificate is issued. Each manufacturer, wholesaler, importer, or distributor must obtain a certificate of compliance. The certificate is not transferable. ~~except that~~ A retailer that offers the items for sale to the public is entitled to receive a certified copy of the certificate from the manufacturer, wholesaler, importer, or distributor from which the retailer purchases the items. A certified copy of the certificate of compliance must be posted in each location where the items are offered for sale to the public. If upon inspection the state fire marshal finds that this chapter has not been complied with, the state fire marshal shall refuse to issue a certificate of compliance and state the reasons for the refusal. A copy of the order denying the issuance of a certificate of compliance and the reasons shall be forwarded to the manufacturer, wholesaler, importer, or distributor. The state fire marshal may revoke any certificate of compliance issued to any manufacturer, wholesaler, importer, or distributor if the holder of the certificate has violated this chapter.

(c) All ~~fireworks, novelties, and trick noisemakers~~ **fireworks and**

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novelties shipped into Indiana, or manufactured and sold in Indiana, must have distinctly and durably painted, stamped, printed or marked on the package, box or container in which the items are enclosed the exact number of pieces in the container.

(d) It is unlawful for a manufacturer, wholesaler, importer, or distributor to sell at wholesale, offer to sell at wholesale, or ship or cause to be shipped into Indiana ~~fireworks, novelties, or trick noisemakers~~ **fireworks and novelties** unless the manufacturer, wholesaler, importer, or distributor has been issued and holds a valid certificate of compliance issued under subsection (b). This subsection applies to nonresidents and residents of Indiana.

(e) **A person less than eighteen (18) years of age may not knowingly or intentionally purchase consumer fireworks.**

(f) **A seller of consumer fireworks may not knowingly or intentionally fail to request photographic identification of a purchaser who appears to be less than twenty-five (25) years of age.**

(g) **A person may only use consumer fireworks from:**

(1) **June 15 through July 15 of a year; and**

(2) **December 15 of a year through January 15 of the following year.**

(h) **Fireworks may not be sold at retail from trucks, vans, or automobiles.**

SECTION 6. IC 22-11-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A person who violates ~~section 4(c); section 5(c), 5(d), 5(e), 5(f), 5(g), 5(h), 7, or 8 of~~ this chapter commits a Class A misdemeanor.

SECTION 7. IC 22-11-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A person ~~shall not sell at retail or offer selling or offering consumer fireworks~~ for sale at retail ~~any fireworks novelties, or trick noisemakers other than the following:~~

(1) ~~Dipped sticks or wire sparklers. However, total pyrotechnic composition may not exceed one hundred (100) grams per item. Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.~~

(2) ~~Cylindrical fountains.~~

(3) ~~Cone fountains.~~

(4) ~~Illuminating torches.~~

(5) ~~Wheels.~~

(6) ~~Ground spinners.~~

(7) ~~Flitter sparklers.~~



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- (8) Snakes or glow worms.
- (9) Smoke devices.
- (10) Trick noisemakers, which include:
 - (A) Party poppers.
 - (B) Booby traps.
 - (C) Snappers.
 - (D) Trick matches.
 - (E) Cigarette loads.
 - (F) Auto burglar alarms.

shall comply with the safety requirements and all other requirements of retail sales of consumer fireworks as provided in Chapter 7 of NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2003 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, Massachusetts 02269, unless the building or structure in which the sales take place was in existence prior to May 1, 2003.

(b) Nothing in this chapter shall be construed to prohibit a person from selling at retail, or offering for sale at retail, consumer fireworks at locations not prohibited by this chapter.

SECTION 8. IC 22-11-14-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. Except as provided in sections 2(a)(2) and 5(b) of this chapter, all fees collected under this chapter shall be deposited equally between the firefighting and emergency equipment revolving loan fund established by IC 22-14-5-1.

SECTION 9. IC 22-14-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The firefighting and emergency equipment revolving loan fund is established. The office shall administer the revolving fund. The revolving fund must be used for the purposes of:

- (1) providing loans for the purchase of new or used firefighting and other emergency equipment or apparatus under this chapter; and
 - (2) paying the costs of administering this chapter.
- (b) The revolving fund consists of:
- (1) amounts appropriated by the general assembly;
 - (2) the repayment proceeds (including interest) of loans made from the revolving fund;
 - (3) donations, grants, and money received from any other source; and

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(4) amounts that the department transfers to the revolving fund from the fire and building services fund; **and**

(5) fees collected and deposited in the fund as required by IC 22-11-14-11.

(c) The treasurer of state shall invest the money in the revolving fund not currently needed to meet the obligations of the revolving fund in the same manner as other public funds may be invested.

(d) Money in the revolving fund at the end of the fiscal year does not revert to the state general fund.

(e) The revolving fund is subject to an annual audit by the state board of accounts. The revolving fund shall pay all costs of the audit.

SECTION 10. IC 35-47-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) The:**

(1) practitioner (as defined in IC 25-1-9-2) who initially treats a person for an injury that the practitioner has identified as resulting from fireworks or pyrotechnics; or

(2) administrator or the administrator's designee of the hospital or outpatient surgical center if a person initially is treated in a hospital or an outpatient surgical center for an injury that the administrator has identified as resulting from fireworks or pyrotechnics;

shall report the case to the state health data center of the state department of health not more than five (5) business days after the time the person is treated. The report may be made in writing on a form prescribed by the state department of health.

(b) A person submitting a report under subsection (a) shall make a reasonable attempt to include the following information:

(1) The name, address, and age of the injured person.

(2) The date and time of the injury and the location where the injury occurred.

(3) If the injured person was less than eighteen (18) years of age, whether an adult was present when the injury occurred.

(4) Whether the injured person consumed an alcoholic beverage within three (3) hours before the occurrence of the injury.

(5) A description of the firework or pyrotechnic that caused the injury.

(6) The nature and extent of the injury.

(c) A report made under this section is considered confidential for purposes of IC 5-14-3-4(a)(1).

(d) The state department of health shall compile the data

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1 collected under this section and submit in an electronic format
2 under IC 5-14-6 a report of the compiled data to the legislative
3 council not later than December 31, 2006.

4 (e) This section expires January 1, 2007.

5 SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE
6 UPON PASSAGE]: IC 22-11-14-7; IC 22-11-14-10.

7 SECTION 12. IC 35-47-7-6 IS REPEALED [EFFECTIVE UPON
8 PASSAGE].

9 SECTION 13. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1741, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, delete line 42 and insert "**are trained and experienced in using consumer fireworks;**".

Page 7, line 1, delete "the township's fire department;".

Page 7, line 9, delete "seventy-five (75)" and insert "**one hundred (100)**".

Page 9, line 11, delete "the structure was".

Page 9, line 12, after "(i)" insert "**the structure was**".

Page 9, line 12, delete "and" and insert "**or**".

Page 9, line 13, delete "was" and insert "**is**".

Page 9, line 28, delete ""B" or "M"" and insert ""**M mercantile**"".

Page 9, line 41, delete "1998," and insert "**2003**".

and when so amended that said bill do pass.

(Reference is to HB 1741 as introduced.)

ALDERMAN, Chair

Committee Vote: yeas 7, nays 2.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1741 be amended to read as follows:

Page 13, between lines 22 and 23, begin a new paragraph and insert:
 "SECTION 10. IC 35-47-7-7 IS ADDED TO THE INDIANA CODE
 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 UPON PASSAGE]: Sec. 7. (a) The:

- (1) practitioner (as defined in IC 25-1-9-2) who initially treats a person for an injury that the practitioner has identified as resulting from fireworks or pyrotechnics; or
- (2) administrator or the administrator's designee of the hospital or outpatient surgical center if a person initially is treated in a hospital or an outpatient surgical center for an injury that the administrator has identified as resulting from fireworks or pyrotechnics;

shall report the case to the state health data center of the state department of health not more than five (5) business days after the time the person is treated. The report may be made in writing on a form prescribed by the state department of health.

(b) A person submitting a report under subsection (a) shall make a reasonable attempt to include the following information:

- (1) The name, address, and age of the injured person.
- (2) The date and time of the injury and the location where the injury occurred.
- (3) If the injured person was less than eighteen (18) years of age, whether an adult was present when the injury occurred.
- (4) Whether the injured person consumed an alcoholic beverage within three (3) hours before the occurrence of the injury.
- (5) A description of the firework or pyrotechnic that caused the injury.
- (6) The nature and extent of the injury.

(c) A report made under this section is considered confidential for purposes of IC 5-14-3-4(a)(1).

(d) The state department of health shall compile the data collected under this section and submit in an electronic format under IC 5-14-6 a report of the compiled data to the legislative council not later than December 31, 2006.

(e) This section expires January 1, 2007.

SECTION 11. IC 35-47-7-6 IS REPEALED [EFFECTIVE UPON PASSAGE]."

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Renumber all SECTIONS consecutively.

(Reference is to HB 1741 as printed February 15, 2005.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1741 be amended to read as follows:

Page 1, delete lines 1 through 9.

Page 1, strike lines 13 through 17.

Page 2, strike lines 1 through 11.

Page 2, line 12, strike "firework" means a small firework that is" and insert **"fireworks" means consumer fireworks as defined in APA 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, and included under NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2003 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, Massachusetts 02269.**

"Display fireworks" means display fireworks as defined in APA 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, and included under NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2003 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, Massachusetts 02269."

Page 2, strike lines 13 through 22.

Page 2, line 23, strike "to produce an audible effect."

Page 2, line 23, delete "Consumer".

Page 2, line 23, strike "fireworks:".

Page 2, strike lines 24 through 42.

Page 3, strike lines 1 through 14.

Page 3, line 15, strike "'Dipped stick" or "wire sparkler" means a".

Page 3, line 15, delete "consumer".

Page 3, strike lines 16 through 18.

Page 3, line 19, strike "item."

Page 3, line 19, strike "devices containing chlorate or perchlorate salts do not".

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Page 3, strike lines 20 through 22.

Page 3, line 23, delete "consumer".

Page 3, line 23, strike "fireworks.".

Page 3, strike lines 26 through 34.

Page 3, line 35, strike "deflagration, or detonation. Fireworks consist of"

Page 3, line 35, delete "consumer".

Page 3, strike lines 36 through 42.

Page 4, strike lines 1 through 5.

Page 4, delete lines 6 through 7, begin a new paragraph and insert:

""Fireworks" means consumer and display fireworks as defined in APA 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, and included under NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2003 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, Massachusetts 02269."

Page 4, strike lines 8 through 27.

Page 4, between lines 39 and 40, begin a new paragraph and insert:

""Novelties" means novelties as defined in APA 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, and included under NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2003 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, Massachusetts 02269."

Page 4, strike lines 40 through 42.

Page 5, strike lines 1 through 13.

Page 5, strike lines 16 through 19.

Page 5, delete lines 20 through 21.

Page 5, strike lines 22 through 23.

Page 5, strike lines 26 through 32.

Page 5, line 33, strike "consists of a tube that".

Page 5, line 34, strike "contains".

Page 5, strike line 35.

Page 5, line 36, strike "(2) contains a".

Page 5, line 36, strike "stick for guidance and stability; and".

Page 5, strike lines 37 through 42.

Page 6, strike lines 1 through 6.

Page 6, delete lines 7 through 8.

Page 6, strike lines 9 through 13.

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Page 6, line 14, strike "display items that exceed the limits for classifications".

Page 6, line 15, delete "consumer".

Page 6, line 15, strike "fireworks.".

Page 6, strike lines 16 through 27.

Page 6, line 28, delete ":".

Page 6, line 29, delete "(1)".

Page 6, line 29, delete ";" and insert ".".

Page 6, run in lines 28 through 29.

Page 6, delete lines 30 through 42.

Delete page 7.

Page 8, delete lines 1 through 7.

Page 8, line 11, strike "resident".

Page 8, line 12, delete ":".

Page 8, line 13, strike "(A)".

Page 8, line 13, delete ":" and insert ";".

Page 8, strike lines 14 through 15.

Page 8, line 16, strike "sale;".

Page 8, line 16, delete "or".

Page 8, delete lines 17 through 18.

Page 8, strike line 25.

Page 8, line 26, strike "between".

Page 8, line 26, strike "wholesalers;".

Page 8, line 27, strike "(5)" and insert "(4)".

Page 8, line 28, delete "special".

Page 8, line 30, delete "special".

Page 8, line 31, delete "Explosives," and insert "**Explosives**".

Page 8, line 33, strike "(6)" and insert "(5)".

Page 8, strike lines 35 through 37.

Page 8, line 38, strike "(2) possesses for resale".

Page 8, line 38, delete "consumer".

Page 8, line 38, strike "fireworks;".

Page 8, line 40, strike "(3) is engaged in the".

Page 8, line 40, strike "sale of".

Page 8, line 40, delete "consumer".

Page 8, line 41, strike "fireworks described in subdivision (2) as".

Page 8, line 41, delete "a".

Page 8, line 41, strike "part of a".

Page 8, line 42, strike "business that is located in a permanent structure".

Page 9, line 1, delete "or structures that:"

Page 9, delete lines 2 through 42.

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Page 10, delete line 1.
 Page 10, line 6, delete "(4)".
 Page 10, line 6, strike "has".
 Page 10, line 6, delete "legal".
 Page 10, line 6, strike "possession of a certificate of compliance issued".
 Page 10, line 7, strike "by the state fire marshal under section".
 Page 10, line 7, delete "5(b)".
 Page 10, line 7, strike "of this chapter".
 Page 10, line 17, strike "fireworks, novelties, and trick noisemakers" and insert "**fireworks and novelties**".
 Page 10, line 19, strike "fireworks, novelties, and trick noisemakers" and insert "**fireworks and novelties**".
 Page 10, line 25, strike "one" and insert "**five**".
 Page 10, line 25, strike "\$1,000" and insert "**(\$5,000)**".
 Page 10, line 25, delete "for".
 Page 10, delete lines 26 through 29.
 Page 11, line 9, strike "fireworks, novelties, and trick noisemakers" and insert "**fireworks and novelties**".
 Page 11, line 16, strike "fireworks, novelties, or trick" and insert "**fireworks and novelties**".
 Page 11, line 17, strike "noisemakers".
 Page 11, line 27, delete "At the time of sale, a seller of consumer fireworks may not" and insert "**A person may only use consumer fireworks from:**
 (1) June 15 through July 15 of a year; and
 (2) December 15 of a year through January 15 of the following year.
 (h) Fireworks may not be sold at retail from trucks, vans, or automobiles."
 Page 11, delete lines 28 through 36.
 Page 11, line 38, delete "(a)".
 Page 11, line 39, after "5(g)," insert "**5(h),**".
 Page 11, line 39, strike "7,".
 Page 11, delete lines 41 through 42.
 Page 12, delete lines 1 through 5, begin a new paragraph and insert:
 "SECTION 5. IC 22-11-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** A person shall not sell at retail or offer selling or offering consumer fireworks for sale at retail any fireworks novelties, or trick noisemakers other than the following:
 (1) Dipped sticks or wire sparklers. However, total pyrotechnic

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composition may not exceed one hundred (100) grams per item.
Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.

- (2) Cylindrical fountains.
- (3) Cone fountains.
- (4) Illuminating torches.
- (5) Wheels.
- (6) Ground spinners.
- (7) Flitter sparklers.
- (8) Snakes or glow worms.
- (9) Smoke devices.
- (10) Trick noisemakers, which include:
 - (A) Party poppers.
 - (B) Booby traps.
 - (C) Snappers.
 - (D) Trick matches.
 - (E) Cigarette loads.
 - (F) Auto burglar alarms.

shall comply with the safety requirements and all other requirements of retail sales of consumer fireworks as provided in Chapter 7 of NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2003 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, Massachusetts 02269, unless the building or structure in which the sales take place was in existence prior to May 1, 2003.

(b) Nothing in this chapter shall be construed to prohibit a person from selling at retail, or offering for sale at retail, consumer fireworks at locations not prohibited by this chapter."

Page 12, delete lines 6 through 30.

Page 12, line 35, delete ":".

Page 12, line 36, delete "(1)".

Page 12, run in lines 35 through 36.

Page 12, line 37, delete "; and" and insert ".".

Page 12, delete line 38.

Page 13, between lines 22 and 23, begin a new paragraph and insert:
"SECTION 8. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 22-11-14-7; IC 22-11-14-10."

Renumber all SECTIONS consecutively.

(Reference is to HB 1741 as printed February 15, 2005.)

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